

REMARKS

The present Amendment amends claims 1, 5, 7, 9, 11 and 29. Therefore, the present application has pending claims 1, 5, 7, 9, 11 and 29.

Claims 1 and 11 stand rejected under 35 USC §102(e) as being anticipated by Kakuma (U.S. Patent No. 5,555,265); and claims 5, 7, 9 and 29 stand rejected under 35 USC §103(a) as being unpatentable over Kakuma. These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in the claims are not taught or suggested by Kakuma whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Amendments were made to the claims so as to more clearly recite that according to the present invention a control packet including a traffic class indicative of a packet transfer priority and information indicative of a priority related to packet discarding is sent from source unit, that the information indicative of priority related to packet discarding is stored and user packets belonging to a particular traffic class are selectively discarded according to the priority indicated by the information indicative of a priority related to packet discarding. These features of the present invention are explained, for example, on page 6, lines 8-27, page 7, lines 1-24 and on page 7, line 25 through page 8, line 17 of the present application.

By amending the claims in the manner described above, the present invention allows for the extraction of information concerning cell discard priority or subclass information from a control packet sent from the source unit and the discarding of user packets in accordance with the indicated priority. Thus, according to the

present invention it is possible to selectively perform the discard processing depending on the cell discard priority declared by the source unit even if the user packet belongs to the same traffic class or even if the bandwidth is not reserved. The Examiner's attention is directed to the discussion of the present invention as set forth on page 6, line 8 through page 8, line 17 and on page 22, lines 12-23 of the present invention.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, these features are not taught or suggested by Kakuma. Kakuma teaches a switching path setting system which is disposed between an input line connected to a switching equipment and a switch. Kakuma teaches that an input interface device allocates a cell to a quality class as tag information corresponding to an identifier of the cell and that a quality class buffer stores the cell corresponding to the quality class allocated by the input interface device corresponding to the quality class. Thus, as taught by Kakuma a cell is read from the quality class buffer at a band allocated to each quality class.

More specifically, Kakuma provided as shown, in Fig. 1 thereof that an ATM switch 5 is connected to an input side buffer 2 and an output side buffer 5, each of which are divided into plural regions. As taught by Kakuma the regions each store cells corresponding to respective quality classes. Kakuma teaches that a cell is read from the quality class buffer at a band allocated to each quality class. Thus, Kakuma sets a "virtual quality class path" in the switch so as not adversely affect other class services even if congestion takes place in a particular class service. The Examiner's

attention is directed to the teachings in the Abstract and in col. 3, lines 16-49 of Kakuma.

Thus, as is clear from the above, Kakuma teaches that selective transferring, not discarding as in the present invention, is performed according to the quality class specified in the user packet. This teaching of Kakuma is entirely different from that of the present invention.

According to the present invention, a control packet is sent from a source unit and such control packet includes information or subclass information indicating a cell discard priority. As taught by the present invention, the information or subclass indicating cell discard priority is extracted from the control packet and then stored for later use. The Examiner's attention is directed to Fig. 2c and to page 15, lines 1-17 of the present application. According to the present invention, the cell discard priority is set in the traffic subclass field 236 while the traffic class is set in the traffic class field 234. Thus, in the present invention as clearly recited in the claims the cell discard priority or subclass information is used so as to selectively discard user packets independent of traffic or quality class. Further, according to the present invention the user packet itself does not contain information so as to indicate whether it should be discarded or not as would seem to be taught by Kakuma. Therefore, Kakuma does not teach or suggest the selective discarding of user cells based on cell discard priority information previously declared by the source unit as in the present invention.

Further, according to the present invention, the discard process is performed depending on the cell discard priority independent of the traffic class. The Examiner's attention is directed to page 5, line 9 through page 6, line 7 of the

present application. In Kakuma, the quality class is set forth with respect to each VPI/VCI in the ATM as discussed in col. 3, lines 16-49 thereof and the transfer process, not a discard process as in the present invention, depends on the quality class. Thus, it is quite clear that Kakuma does not teach or suggest the use of any information so as to perform the cell discard process independent of the quality class or the traffic class as in the present invention. As clearly recited in the claims, the control packet sent from the source unit includes a traffic class and information indicative of a priority related to packet discarding. The information indicative of a priority related to packet discarding can be set by the source unit to any value independent of the traffic class. Such features are clearly not taught or suggested by Kakuma.

Therefore, Kakuma fails to teach or suggest sending a control packet including a traffic class indicative of a packet transfer priority and information indicative of a priority related to cell discarding from a source unit as recited in the claims.

Further, Kakuma fails to teach or suggest performing selective discard processing on user packets belonging to the particular traffic class in conformity with a predetermined discard condition determined by the priority indicated by the information indicative of a priority related to packet discarding as recited in the claims.

Thus, as is clear from the above, the features of the present invention are not taught or suggested by Kakuma. Therefore, reconsideration and withdrawal of the 35 USC §102(e) and 35 USC §103(a) rejections of claims 1, 5, 7, 9, 11 and 29 are respectfully requested.

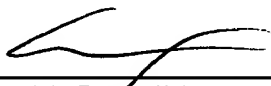
The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 1, 5, 7, 9, 11 and 29.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 5, 7, 9, 11 and 29 are in condition for allowance. Accordingly, early allowance of claims 1, 5, 7, 9, 11 and 29 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.35180CX1).

Respectfully submitted,

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